

## REMARKS

Claim 1 has been amended to more clearly point out and distinctly claim the invention. Claim 2 has been cancelled as its content has been incorporated into claim 1. Claim 26 has also been cancelled. After these amendments are entered, fifteen (15) claims (Claims 1, 3-7, 10-15, 22-23 and 256) remain pending in this application through this Amendment.

### ***Objection to Claims under 37 C.F.R. 1.75 (c)***

Claim 26 was objected to under 37 C.F. R. 1.75 (c). Applicants cancelled claim 26, thus, the objection to this claim is moot.

### ***Rejection of Claims under 35 USC §103(a)***

Claims 1, 3-7, 10-15, 22-23, and 25-26 were rejected under 35 USC 103(a) as being unpatentable over multiple combinations and permutations of Martin '087, Duis '090, Kiyosaki JP 08-047784, Roy '771, Bornfleth '683, and Kim '878. None of the aforementioned references alone or in combination teaches or suggests this element. Therefore, the rejections over this claim and its dependencies are moot in view of this Amendment. The rejection of claims 1, 3-7, 10-15 and 25-26 are respectfully traversed.

Specifically, a method in which a laminated film is used comprising an upside plastic film having pigments which change their colour on laser treatment, as is claimed in newly amended claim 1, is neither disclosed nor suggested by Martin '087, Duis '090, Kiyosaki JP 08-047784, Roy '771, Bornfleth '683, and/or Kim '878. Combining these references also does not meet all the limitations of the invention. As stated in the MPEP at 706.02(j), to establish a prima facie case of obviousness the "prior art reference (or references combined) must teach or suggest all the claim limitations." Because no single reference discloses using an upside plastic film having pigments that change their colour on laser treatment, the present claims cannot be obvious.

Additionally, the Examiner has rejected claims 1, 3-7, 10, 13, and 15 as being rendered obvious by the combination of the teachings of Martin (US 5,620,087), Duis (US 6,054,090) and Kiyosaki (JP 08-047784). Duis does not describe or claim all features of claim 1 as presently amended, particularly that the laminated film is welded to the container. In this respect, Duis merely discloses that the laminated film may be subjected to laser ablation "either before or after the raw stock laminate is affixed to the container" (see Duis, column 5, lines 27-29).

Specifically, Duis shows:

- A method for marking contact lens containers with a laminated film having a metal film and a plastic film affixed to the metal film, the laminated film comprising a metallic substrate (54)

affixed to an upside plastic material (50) and an underside plastic material 60, that can be welded to the container (see column 3, lines 46 - column 4, line 16; metal substrate 54, polymer layer 50, polypropylene layer 60)

- Creating marks on the laminated film *affixed* (rather than explicitly saying "welded") to the container by removing said upside plastic film down to said metallic substrate without perforating the metal film (see Fig. 2, at "B"; column 4, lines 44-45), or by changing the upside plastic film in a manner that a visible color change occurs (see Fig. 2, at "A"; column 4, lines 41-44).

For this additional reason, Applicants request that the rejection of claims 1, 3-7, 10, 13 and 15 be reconsidered and withdrawn.

### **CONCLUSION**

For the foregoing reasons, Applicants submit that Claims 1, 3-7, 10-15, 22-23 and 25 are patentable over the cited prior art. Applicants respectfully request reconsideration and withdrawal of the claim rejections set-forth in the Office Action and allowance of claims 1, 3-7, 10-15, 22-23 and 25.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Robert Gorman, CIBA Vision, Patent Department, 11460 Johns Creek Parkway, Duluth, GA 30097. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-2965.

Respectfully submitted,

  
Karen Borrelli  
Reg. No. 52,638  
(678) 415-3690

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CIBA Vision  
Patent Department  
11460 Johns Creek Parkway  
Duluth, GA 30097